

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DAVID ALLEN TEBBETTS and )  
CYNTHIA INGRAM TEBBETTS )  
                                  )  
Plaintiffs,                    )  
                                  )  
vs.                            )                                    Case Number: 2:07-cv-00925-MEF  
                                  )  
                                  )  
BLUE CROSS BLUE SHIELD OF )  
ALABAMA and CARECORE        )  
NATIONAL, LLC                )  
                                  )  
Defendants.                    )

**MOTION FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY**

COME NOW the Plaintiffs, David Allen Tebbetts and Cynthia Ingram Tebbetts ("The Plaintiffs") and hereby file this Motion for Leave to Conduct Jurisdictional Discovery.

1. As grounds for this Motion, Plaintiffs refer the Court to their Memorandum in Support of Motion for Leave to Conduct Jurisdictional Discovery, contemporaneously filed herewith.

2. For the reasons set forth in their Memorandum, the Plaintiffs respectfully request that, in the event this Court is inclined to deny the Plaintiffs' Motion to Remand, raising certain grounds that are instantly ascertainable, this Court permit jurisdictional discovery for all such grounds that are not clear without the development of further factual information. The Plaintiffs propose 120 days for the completion of said discovery. Upon the expiration of that discovery period, the Plaintiffs respectfully state that they will carefully consider the information deduced. If that information suggests a lack of subject matter jurisdiction, Plaintiffs will timely file a second Motion to Remand identifying the additional reasons this Court lacks subject matter jurisdiction under ERISA.

3. Plaintiffs respectfully request oral argument on this matter.

Respectfully Submitted,

/s/ M. Clayborn Williams

M. Clayborn Williams

One of the Attorneys for Plaintiff

OF COUNSEL:

M. Clayborn Williams

Thomas O. Sinclair

Jenifer Champ Wallis

CAMPBELL, GIDIERE, LEE, SINCLAIR & WILLIAMS

2100-A SouthBridge Parkway, Suite 450

Birmingham, Alabama 35209

Ph: (205) 803-0051

Fax: (205) 803-0053

E-mail: [cwilliams@cgl-law.com](mailto:cwilliams@cgl-law.com)

E-mail: [tsinclair@cgl-law.com](mailto:tsinclair@cgl-law.com)

E-mail: [jwallis@cgl-law.com](mailto:jwallis@cgl-law.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 29<sup>th</sup> day of October, 2007, served a copy of the foregoing on all attorneys of record by placing a copy of same in the United States mail, postage prepaid, and properly addressed as follows:

Cavender C. Kimble  
Leigh Anne Hodge  
BALCH & BINGHAM, LLP  
Post Office Box 306  
Birmingham, AL 35201-0306

Bruce F. Rogers  
Rebecca C. Eubanks  
BAINBRIDGE, MIMS, ROGERS & SMITH, LLP  
Post Office Box 530886  
Birmingham, Alabama 35253

/s/ M. Clayborn Williams

Of Counsel